

**MINUTES OF THE RHODE ISLAND  
REAL ESTATE COMMISSION**

**DATE: October 14, 2009**

**TIME: 3:00 P.M.**

**LOCATION: Department of Business Regulation**

**John O. Pastore Center**

**1511 Pontiac Avenue, Bldg 69-1**

**Cranston, RI 02920-0942**

**Members Present: David Iannuccilli, Chairperson, Laura Marasco, Special Assistant Attorney General, John Silvia, Robert Recchia, Pamela Kobrock, Brenda Marchwicki Thomas Foley, and William DeLuca, Acting Administrator, Dept. of Business Regulation.**

**Others Present: Ellen Balasco, Deputy Chief Legal Services DBR, Leslie Pratt, Licensing Aide DBR, Michele Caprio, Greater Providence Board of Realtors, Monica Staff and Norma Mousseau, RI Association of Realtors.**

**AGENDA**

**Chairperson Iannuccilli called the meeting to order at 3:05 PM.**

**Chairperson Iannuccilli asked for a motion to accept the minutes of the last meeting. Tom Foley made a motion to accept the minutes of**

**the meeting. Robert Reccia seconded the motion. All were in favor.**

**Chairperson Iannuccilli asked if anyone would like volunteer to be Vice-Chairperson. Brenda nominated John Silvia to be Vice-Chairperson. Tom Foley seconded the motion. All were in favor.**

**There was a lengthy discussion on Regulation 11, Section 21. Chairperson Iannuccilli stated he thought the language was rather harsh where it states; “A representative of a family member whether by blood, marriage or adoption, etc...has to disclose whether he/she is a relative on the disclosure form and if a licensee does not disclose his or her position at the first point of personal contact and in writing as set forth in this section, the licensee shall not be entitled to a commission. The Chairperson believes this is another way to refuse the licensee a commission. Ellen Balasco suggested putting a box on the Agency Disclosure Form asking if the licensee is related in any way to the buyer/seller. The Commission agreed with Ellen. The discussion ensued.**

**Chairperson opened discussion on review of Chapter 5-20.5 Real Estate Brokers and Salesperson.**

**Chapter 5-20.5-2 Persons exempt. Change language under:**

**(b) (1) any acts of any Attorney at Law licensed by the Supreme Court**

**of this State while acting as an attorney at law....**

**Chapter 5-20.5-3 Contents of application – Application Fee: Change fee from ten dollars (\$10.00) to thirty dollars (\$30.00).**

**Chapter 5-20.5-4 Examination of applicants. (b) Change language from one 1 year having to be a salesperson to five (5) years and at least forty five (45) transactions prior to taken the broker's examination or ninety 90 pre-licensing courses.**

**Chapter 5-20.5-5 Real estate recovery account: change language to prevent any monies being “swept” from the recovery account to avoid causing additional fees. Leave a minimum of two hundred thousand (\$200,000.00) in the account.**

**Chapter 5-20.5-6 Duration of licenses. Rules and Regulations: Change language under first paragraph, third sentence, to read: No license shall remain in for a period in excess of two (2) years rather than three (3) years.**

**Chapter 5-20.5-7 Fixed office required – Display of license – Notice of change of address and employment. A Lengthy discussion ensued. The Commission recommended some changes in this statute, for example, the word fixed and adopting a policy in changing the P.O. Boxes to fixed office locations. It was also recommended that the licensee notify the Department the location where they keep their**

records. Ellen said she would look further into this statute and do a cursory rewrite and submit her suggestions in writing to the Commission at the next meeting.

**Chapter 5-20.5-8 No changes.**

**Chapter 5-20.5-9 Temporary License issued to representative of deceased broker – Commission will look further into this statute at the next meeting.**

**Chapter 5-20.5-10 Nonresident brokers – Employment of unlicensed brokers restricted – Nonresident Salespersons – Service of Process.**

**There is no agreement with the reciprocal states. Bill and Ellen need to meet with the Director on this statute.**

**Chapter 5-20.5-11 Fees and license renewals – Change application fee from ten (\$10.00) dollars to thirty (\$30.00) dollars.**

**Chapter 5-20.5-12 No changes.**

**Chapter 5-20.5-13 Repealed.**

**Chapter 5-20.5-14 (8) Placing a “for sale” or “for rent” sign on any property without the written consent of the owner, or his or authorized agent. The Commission wants to review this statute further at the next meeting.**

**Chapter 5-20.5-15 No changes.**

**Chapter 5-20.5-16 No changes.**

**Chapter 5-20.5-17 No changes.**

**The Chairperson called for public comment. Monica Staff clarified the reason there are holding companies for licensees. These holding companies exist so the licensee can keep their license active with the state, keep up their continuing and E & O insurance but avoid the cost of the monthly MLS and Realtor dues and it would be beneficial to the state, schools and the licensees.**

**Brenda commented about the volume of continuing education courses the Department has been receiving and with the upcoming renewal, she and John will be inundated with reviewing these courses. She asked if another member of the Commission could assist them for the next few meetings. Chairperson nominated Thomas Foley to assist Brenda and John.**

**Chairman Iannuccilli made a motion to adjourn. Motion made by John Silvia. Seconded by William DeLuca. All were in favor.**

**Respectfully submitted,**

**William J. DeLuca**

**Acting Real Estate Administrator**

**/lp**